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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1193rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 March 1997, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fourteenth periodic report of Belarus (continued)

Ninth periodic report of Luxembourg

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fourteenth periodic report of Belarus (continued) (CERD/C/299/Add.8; HRI/CORE/1/Add.70) (continued)

1. At the invitation of the Chairman, the delegation of Belarus resumed its seats at the Committee table.

2. Mr. KHVASTOU (Belarus), replying to questions put by the members of the Committee, said that the policy of the State of Belarus was not national but multinational. The existence of numerous national groups in Belarus raised problems that were common to all the States that had emerged from the former Soviet Union. However, the spirit of tolerance and the high cultural level of Belarusians favoured coexistence among the approximately 120 nationalities on its territory. That diversity was not an obstacle to homogeneity, since native Belarusians (77.7 per cent), Russians (13.2 per cent), Poles (4.1 per cent), Ukrainians (2.9 per cent) and Jews (1.1 per cent) together accounted for 99.2 per cent of the total population as compared with 0.8 per cent for the remaining 115 nationalities.

3. He thanked the rapporteur, Mr. van Boven, for his thoughtful comments on the report of Belarus, based for the most part on documents published by the Belarusian League for Human Rights. With regard to the inadequacy of information on the implementation of articles 4 and 6 of the Convention, he referred members of the Committee to paragraphs 24, 26, 31, 32 and 33 of the report. He added that article 71 of the Criminal Code classified violation of the principles of racial equality as a crime against the State and that article 5 of the Constitution prohibited the creation of parties or associations which advocated racial discrimination or animosity. Article 11 prohibited the activities of national associations that promoted national or religious hostility.

4. He went on to say that in the event of a conflict between domestic legislation and the international conventions ratified by Belarus, the latter took precedence.

5. In reply to the question on paragraph 14 of the report, he said that the State guaranteed the right of citizens to set up associations and granted subsidies to the groups and associations thus established. Similarly, the State concluded bilateral cultural agreements with other States, Poland and Ukraine in particular, to set up cultural centres or associations for national minorities. The gypsies, who accounted for a minute proportion of the population, had not hitherto made use of their right to establish associations under the provisions concerning national minorities, and the authorities could not force them to do so.

6. Ms. KUPCHYNA (Belarus), replying to the questions Mr. van Boven and Mr. de Gouttes had raised on the relationship between the Convention of the Commonwealth of Independent States (CIS) on Human Rights and Fundamental Freedoms and international human rights instruments, said that the provisions

of the CIS Convention reproduced almost word for word the provisions of international or regional human rights instruments, and quoted several articles based directly on the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The CIS Convention also contained a number of provisions which reflected national or regional idiosyncrasies. Article 35, for example, prohibited the collective exile of citizens practised by the former USSR. Article 16 provided for the right to social security, which was not mentioned in the international human rights instruments, and article 18 defined the right of the disabled and the physically and mentally handicapped to professional training and work. Special provisions protected the right of women to work and provision was also made for their conditions of employment.

7. With reference to the implementation of the CIS Convention, she said it had been signed by seven States but ratified only by the Russian Federation. It would come into force only when it had been ratified by three States.

8. She added that the question of whether the provisions of the CIS Convention were more favourable than those of the international conventions in respect of the protection of human rights deserved very careful consideration, and again pointed out that its provisions conformed to relevant international norms and that there was a direct relationship between the International Convention on the Elimination of All Forms of Racial Discrimination and articles 20 and 21 of the CIS Convention, which stated that members of national minorities had the right to express, preserve and develop their cultural, religious and linguistic ethnic identity.

9. She explained, with reference to the composition of the CIS Human Rights Commission, that it comprised representatives of the various member States of CIS, who were jurists with particular competence in human rights. The Commission was empowered to consider complaints from private individuals under the jurisdiction of States parties to the CIS Convention who reported human rights violations by any of the parties; the Commission then prepared conclusions and recommendations adopted by consensus.

10. Mr. KHVASTOU (Belarus), replying to the question why refugees on Belarusian territory did not apply to the competent bodies, said that the persons in question could submit petitions and appeal to the Ministry of Labour and the State Migration service.

11. In Belarus, the concept of refugee had a specific meaning associated with a particular situation. For example, Vietnamese or Afghan former students who had arrived during the Soviet regime and could not return to their countries had refugee status. Those who had been resettled were native Belarusians from Estonia and Lithuania who received financial assistance and housing loans under favourable conditions from the national or local authorities. There were also large numbers of migrants from countries experiencing domestic problems, in particular Abkhaz, Uzbeks, Azerbaijanis and Chechens. They were also given assistance, and the fact that they spoke Russian facilitated their integration into active life.

12. His country had no independent review body for human rights violations, but individuals could to some extent apply to the Union of Jurists. However, a bill to establish a human rights commissioner and an ombudsman was under consideration. As things stood, cases involving human rights were brought before the ordinary courts.

13. In reply to a question concerning the drafting of a refugee act conforming to the international Convention relating to the Status of Refugees, he said that the State made use of the technical assistance of the representative of the High Commissioner for Refugees for matters concerning refugees. He also said that the Act on Elections of the President of the Republic of Belarus, which permitted non-native Belarusians to be candidates in the presidential elections (para. 21 of the report) did not apply automatically to all other posts.

14. He agreed that article 4 should be more closely incorporated into the Constitution, but pointed out that it would probably be simpler if Belarus adopted an act banning racial discrimination, which should not create any problems for the legislators since racial discrimination was not common in Belarus. Such an instrument would not, however, take precedence over the Constitution.

15. For Mr. van Boven's information, he explained that the State refused to register associations whose documents revealed racist convictions or ideas.

16. With reference to the Act on the Press and Other Mass Media, and especially the implementation of its article 5, he said that it had not given rise to the application of any administrative, disciplinary or penal sanction.

17. In answer to another question, he said that no statutory provisions expressly prohibited incitement to racial hatred, either at the national or the local level, nor had any cases of appeals to racial hatred been reported.

18. Going on to the report of the Belarus League for Human Rights, he began by questioning its objectivity, and denounced the inaccuracy of the information it contained. Contrary to what was stated on page 13, Belarus did indeed have legislation on refugees and the Government cooperated closely in that respect with UNHCR and IOM representatives in the country. There was also a perfectly satisfactory act, drawn up in collaboration with experts from the Council of Europe, on the status of aliens and stateless persons. As for the cases of anti-Semitism mentioned in the report, he said that Jews and Belarusians had always lived peaceably together and had suffered together under fascism, while one-quarter of the Belarusian population had perished during the Second World War. It was therefore untrue to say that official anti-Semitism existed in Belarus. It sufficed to recall that Belarus was among the sponsors of the General Assembly resolution adopted in 1991 which rejected the assimilation of Zionism with racism. The Jewish Agency for Israel had an office in Belarus which facilitated the departure of persons of Jewish origin wishing to settle in Israel and arranged the teaching of Hebrew.

19. There was no need for further discussion of the rather trivial matter of the Deputy-Director of the Komarovsky market. The case of Mr. Nordstein was

currently being investigated by the Office of the Attorney-General and, if the Committee so wished, the Belarusian delegation would report later on the follow-up. As for the newspaper "Russkiy Vzglyad", it was the first he had heard of it. Lastly, with regard to the Lavrionov affair, he said that the charges against him were very serious and that it was unlikely that an entire legal case would be fabricated simply to put a Jew in prison.

20. The Coordinating Council for National Minorities attached to the Cabinet of Ministers (para. 41), established in 1995, was headed by a deputy prime minister and included representatives of various ministries and national associations. As to whether victims of racial discrimination were able to obtain compensation, he referred to article 60 of the Constitution which provided that application could be made for compensation for material or moral injury.

21. The decline in the number of Belarusian schools was certainly not the result of a deliberate State policy. During the 1995-1996 school year, there had been 4,807 schools in Belarus; 3,029 taught exclusively in Belarusian, 594 exclusively in Russian and 1,184 in at least two languages. He added that 90 per cent of the country's inhabitants regarded Belarusian as their mother tongue while 95 per cent of the population spoke Russian. With reference to the publication of textbooks in the minority languages, he said that Hebrew and Polish texts were published for institutions of higher education and stressed that Belarusian was not about to disappear.

22. As for the protection of the health of non-nationals, article 63 of the Social Security Act provided that foreigners and stateless persons residing permanently in Belarus had the same health rights as Belarusian nationals. His delegation was prepared to furnish the Committee with more detailed information on the mass media at a later date - he said only that there were radio and television programmes in Polish and Hebrew - along with information concerning religions and religious minorities.

23. In reply to a comment by Mr. Valencia Rodriguez, he admitted that the figure given for the population of Belarus in the report was inaccurate; on 1 January 1997, Belarus had 10,282,000 inhabitants. For Mr. Garvalov's information he explained that the citizens of Korean origin mentioned in paragraph 10 were long-established; there was also a small group of North Korean refugees. He recognized that there was some inconsistency in the terminology used in the report, and also, in answer to a question from Mrs. Zhou, that the tables in the report were poorly presented. Lastly, replying to Mr. de Gouttes who had asked for specific examples of the implementation of the Convention, he said that the Committee would be able to find such examples in the next report of Belarus.

24. Mr. ABOUL-NASR observed that the Belarusian delegation had not answered his question on what assistance Belarus might have had in preparing its report. He understood that there was a problem of time, and hoped that an attempt would be made to ensure that the time available was better divided between questions and answers.

25. Mr. van BOVEN (Rapporteur for Belarus) thanked the delegation of Belarus for its detailed replies to the Committee's questions despite the

limited time available to it. He had two concluding remarks to make. Firstly, the representative of Belarus had said that he was personally in favour of a special act to implement the Convention although he had stressed that it might cause the lawmakers problems. The lawmakers might conceivably not see why such an act should be promulgated, since the question was not a very important one. The Committee's experience showed, however, that something that was not an immediate problem could cause problems later. Legislation also played a preventive role and he would encourage the Belarusian delegation in that direction. Secondly, he had noted that the Belarusian delegation would furnish the Committee at a later date with information on the question of education in various languages. He welcomed that move, considering that the matter was one of great importance.

26. The CHAIRMAN thanked the delegation of Belarus and said that the Committee had completed its consideration of the report of Belarus.

27. The delegation of Belarus withdrew.

Ninth periodic report of Luxembourg (CERD/C/277/Add.2; HRI/CORE/1/Add.10)

28. At the invitation of the Chairman, the delegation of Luxembourg took seats at the Committee table.

29. Mr. WEITZEL (Spokesman for the Ministry of Foreign Affairs of Luxembourg) summed up for the Committee the measures Luxembourg had taken to prevent racial discrimination since the summer of 1994, when the previous report had been submitted. It was worthy of note that the Committee's conclusions concerning the last three reports of Luxembourg had given rise to a debate in the Chamber of Deputies in October 1994.

30. The case of Luxembourg, where foreigners accounted for 35.8 per cent of the resident population (31.1 per cent for European Union nationals), was unique in Europe, and explained the Government's determined policy of integration and its fight against racism and xenophobia. In addition to the legal instruments banning discrimination and the provisions for obtaining Luxembourg nationality, which had been gradually eased in recent years, a wide range of measures had been adopted to encourage the integration of foreigners into Luxembourg society.

31. Since Luxembourg had had the good fortune to be spared the social crises experienced by many of its neighbours, such measures were adopted not only to prevent racial discrimination but also, from a broader and more positive perspective, to bring about the genuine economic, social and partially political integration of aliens, recognized by all as the guarantee of social peace and stability. The question of voting rights in communal and European parliamentary elections and the access of EU nationals to elective office - issues which related to the implementation of the Maastricht Treaty and to the exercise and symbolism of sovereignty - had given rise to a major public debate leading to the amendment of articles 9 and 107 of the Constitution. Aliens had thus been able to participate in the June 1994 elections to the European Parliament and in elections to trades associations, and the experience had been regarded as very positive.

32. He went on to inform the Committee about the implementation of the provisions of the Integration of Aliens Act promulgated on 27 July 1993. The National Aliens' Council, officially established on 18 September 1995, was a 30-member body, with equal representation of the State, communes, trades associations, trade unions, employers and the various nationalities or groups of nationalities living in Luxembourg. It had been consulted by the lawmakers as part of the procedure for the adoption of the bill on conditions and terms for the participation of non-Luxembourg European Union nationals in municipal elections and the bill on the procedure for consideration of applications for asylum. It had held 13 plenary meetings in less than 10 months.

33. The ad hoc Standing Committee against racial discrimination, established in May 1993, had addressed an opinion to the Government on the subject of a bill to reinforce penal sanctions for racist, discriminatory or revisionist acts. The Committee was the only public body of a State party to the Convention to have been invested with the competences set out in article 14.2 of the Convention.

34. On 2 March 1996, the second national Conference for Aliens had stressed the need to give their full weight to the communal Consultative Commissions for Aliens. European Union nationals living in Luxembourg had the right to vote in the communal elections. The determination of the Luxembourg authorities had put an end to racist or anti-Semitic demonstrations or incidents which had not occurred for more than two years. Since 1995, far fewer racist or Nazi graffiti were to be seen in certain public places, on buses and on the walls of buildings. The extreme right movement "Nationalbewegong" had obtained less than 3 per cent of the vote in the June 1994 legislative elections. After losing the civil case brought against it by LICRA (Luxembourg), it had been sentenced to a heavy fine and had dissolved itself because of financial difficulties. Since August 1994, no xenophobic pamphlets had been in the news.

35. After ratifying the Convention, the Government had taken legislative measures to ensure its better implementation. Articles 454 and 455, which had been included in the Penal Code in 1980, punished various types of racist practices. Article 456, introduced in 1993, deprived persons sentenced for racist offences of their civic rights for 5 to 10 years. The Government which had emerged from the June 1994 elections had considered that punishment of racism and other forms of discriminatory behaviour should be further reinforced. In July 1994, the Minister of Justice set up a working group in the Legislative Studies Commission for the amendment of the Penal Code. A sub-group was mandated to give priority to problems relating to racism and xenophobia with a view to preparing amendments to statutes and regulations. A bill, to be submitted to the Chamber of Deputies in April or May 1997, supplemented the Penal Code by making acts of racism or revisionism punishable. It was also designed to punish failure to respect the dead and the violation or desecration of tombs, graves or monuments to the memory of the dead. Article 454 punished acts of discrimination based on origin, sex, race or religion. Article 456 provided for particularly severe penalties for persons entrusted with public service duties who were guilty of discrimination. Article 457-1 punished any form of incitement to hatred or

racial violence. Article 457-3 was innovative in punishing the questioning, minimization or justification of crimes against humanity, war crimes and genocide.

36. The Government had not envisaged provisions which would a priori ban racist organizations. It should be noted that the anti-racist political bodies and NGOs which had been consulted on the subject opposed any such move. However, if an organization of that type infringed anti-discrimination legislation, its members could all be brought to court. An association which committed a serious violation of the law or public order could be disbanded at the request of the Government Procurator's Department or a third party.

37. In primary education, the authorities had made new arrangements to reduce the number of children per class, to set up reception classes for the children of foreigners and to provide courses in the child's mother tongue.

38. In secondary technical education, many measures had been taken to adapt education to the linguistic problems of young foreigners, particularly by distributing bilingual textbooks for civics and geography courses. Syllabuses dealt extensively with problems of discrimination, racism and xenophobia.

39. The new Police and Gendarmerie College attached great importance to awareness of human rights issues. The continuing training of the police included courses on anti-xenophobia legislation and attitudes to aliens. Lastly, the police had been informed that it was an offence to wear, display or sell Nazi insignia.

40. The mass media regularly referred to the situation of aliens, political refugees and asylum-seekers. Numerous radio stations broadcast in the foreign languages spoken in Luxembourg. In the context of the Council of Europe's European Youth Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance the Government had supported vast advertising campaigns against racism and xenophobia. It had also earmarked 10 million francs for the National Committee for the European Year against Racism, launched by the European Union in 1997.

41. Every year, the Immigration Festival attracted approximately 25,000 persons and brought together aliens' associations, political parties, humanitarian and anti-racist associations, the Housing Fund and the Aliens' Board. In their end-of-year statements, HRH the Grand Duke and the Prime Minister always addressed the aliens living in Luxembourg.

42. Referring to the additional information requested by the Committee after considering the sixth, seventh and eighth periodic reports of Luxembourg, he said that in order to implement all the provisions of article 4 of the Convention, the current Penal Code allowed the members of organizations which incited to racial discrimination to be convicted, while the Associations Act permitted such bodies to be disbanded once convicted.

43. With reference to the implementation of article 5 of the Convention, particularly in respect of non-nationals of the European Union, remarkable

progress had been made, as could be seen from the paragraphs of the report concerning legislative measures, especially on social elections and the law of associations.

44. The report contained additional information on article 6, concerning in particular the protection of individuals against racist acts. Steps to promote the teaching of tolerance had also been taken to improve the implementation of article 7.

45. With reference to article 14 of the Convention, the Government had on 28 June 1996 adopted the relevant draft declaration which had been transmitted to the United Nations Secretariat on 8 July 1996.

46. The efforts made by the authorities and civil society towards understanding other people and the cultural diversity characteristic of Luxembourg society made it easier to curb and eliminate racism at its source.

47. Mrs. SADIQ ALI (Rapporteur for Luxembourg) said that the ninth report of Luxembourg revealed the progress which had been achieved in implementing the Convention. She regretted, however, that the Committee's guidelines had not been taken into account in the preparation of the report.

48. She asked whether the Convention could be invoked in the courts and whether, in any conflict between the Convention and domestic law, the Convention took precedence. The previous Rapporteur for Luxembourg, Mr. Diaconu, had not obtained a specific answer on that point either.

49. Referring to paragraph 49 of the report which stated that in 1993 the Government had signed a cooperation agreement with the Liaison Committee for Aliens' Associations to ensure the success of the cultural dialogue and exchanges among associations, she wished to know whether that implied that the integration of aliens allowed them to preserve their identity. She would also like further information on the structure and operation of the Liaison Committee. She asked to what extent the authorities followed up the grievances which the Liaison Committee transmitted to them concerning acts of racial discrimination or xenophobia. She also asked whether the economic and social rights in force in Luxembourg applied to non-EU aliens. With reference to paragraph 64 of the report, she would like to know what was meant by an active and a passive right to vote for all members of trades associations without distinction as to nationality or residence.

50. The Committee would like to know the decision of the European Court of Justice concerning the proceedings instituted against the Luxembourg authorities for violation of article 48 of the Treaty on European Union on freedom of movement for workers (para. 71 of the report). Paragraph 17 of the report stated that, in 1994 and 1995, the gendarmerie and the police had booked four persons for racist and xenophobic acts, in addition to the 138 persons booked during the demonstration of neo-Nazis from Germany, France, Belgium and the Netherlands. She asked what sentences those persons had been given. Paragraph 31 stated that membership of a racist or xenophobic organization was punishable, but that there was no a priori ban on the organization itself, as required by article 4 of the Convention.

51. She welcomed the Government's special measures on housing and the fact that it guaranteed equality of treatment for national and non-national prisoners and assistance to all those with inadequate resources. She would, however, appreciate further information on compensation for the victims of acts of racial discrimination.

52. Luxembourg was to be congratulated on its education policy, and particularly for encouraging a spirit of tolerance. Similarly, the efforts to train the police force in the fight against racism and xenophobia were commendable.

53. She further welcomed the fact that various media broadcast in several foreign languages. Lastly, Luxembourg had declared that it recognized the Committee's competence to receive and consider communications from individuals, thus fully implementing paragraphs 1 and 2 of article 14 of the Convention.

54. Mr. YUTZIS welcomed the progress made by Luxembourg in implementing the Convention. It was clear that the Government of Luxembourg had complied with many of the recommendations which the Committee had made during its consideration of the earlier reports. Referring to paragraph 7 of the report, however, he said that he would like more information on the "negative" aspects of the motivations of the Luxembourg authorities. He had also noticed that, according to paragraph 15, racist or Nazi graffiti could be seen in some public places, on buses and on the walls of certain buildings, although they had become much less common since 1995. In his opinion, the continued existence of such graffiti constituted propaganda which should be stopped.

55. Referring to articles 454 and 455 of the Penal Code (paras. 21 and 22), he said that article 454 (c) punished the advertising of the intention to commit acts of discrimination while article 455 (a) punished incitement to discriminatory acts. He would like to know whether it was incitement to racism that was punished or only racist acts. He considered that a pamphlet inciting to racial discrimination constituted, albeit in a subtle form, a racist act, and would therefore like some clarification. Lastly, he welcomed the measures taken to give aliens living in Luxembourg the right to vote in communal elections.

56. Mr. GARVALOV said that he was very satisfied with the quality of the ninth periodic report of Luxembourg and particularly welcomed the fact that the Government of Luxembourg had taken account of the Committee's recommendations and requests for information following its consideration of the eighth periodic report in 1994. As the Committee had requested, the Government of Luxembourg had given a breakdown of the population by nationality (para. 1). It would be of interest to know how many foreigners living in Luxembourg had applied for naturalization and why certain applications for naturalization had been unsuccessful. He asked whether it should be deduced from paragraph 10 of the core document (HRI/CORE/1/Add.10), which stated that nationality was acquired by birth, according to the theory of jus sanguinis, by choice or by naturalization, that children born to foreign parents in Luxembourg did not automatically acquire Luxembourg nationality.

57. With regard to language status, there was a contradiction between paragraph 11 of the core document, which stated that Luxembourg, French and German were all three administrative languages, and paragraph 76 of the report which stated that Luxembourg was used as the language of oral communication and French and German as the languages of written communication. What was the actual situation? The important measures taken in the sphere of education were commendable. Nevertheless, Luxembourg and the States parties in general should bear in mind that article 7 of the Convention concerned not only school and university education but also applied to law-enforcement personnel, magistrates and government officials.

58. Lastly, he welcomed the fact that the Government of Luxembourg had recognized the Committee's competence under article 14 of the Convention and that it had appointed a body in accordance with paragraph 2. It would be useful to know whether that body, namely, the ad hoc Standing Committee against discrimination (para. 110), had already considered any complaints.

59. Mr. van BOVEN expressed satisfaction that the Government of Luxembourg had acted on the suggestions and recommendations made by the Committee in 1994. He was particularly pleased to note that the Government had introduced a bill to ensure a better implementation of article 4 of the Convention. The report stated in paragraph 36 that the bill made racism, revisionism and other types of unlawful discrimination punishable; it would be interesting to learn what was covered by the term "revisionism" in that context. As the Committee had requested, the Government had furnished statistics of racist offences in the report (paras. 17 and 18). However, they referred only to the number of persons booked for racist and xenophobic offences, and he would like to know whether their perpetrators had been prosecuted.

60. He also welcomed the fact that the State party had made the declaration set out in article 14 of the Convention, and added that, if he was not mistaken, Luxembourg was the first State to establish a national body competent to receive and consider petitions under article 14, paragraph 2 of the Convention. Persons who claimed to be victims of a violation of any of the rights set forth in the Convention should therefore first of all refer their claims to that body. The question was whether both nationals and aliens would be entitled to refer claims to the ad hoc Standing Committee against discrimination, since it had been established under the Integration of Aliens Act of 27 July 1993. The existence of the ad hoc Committee should also be widely publicized.

61. Following consideration of the previous periodic report, the Committee had drawn the State party's attention to the amendment of article 8, paragraph 6 of the Convention and had invited it rapidly to take the necessary steps to adopt the amendment. He reminded members that the amendment had still not entered into force since it had not been adopted by two thirds of the States parties to the Convention. He hoped that the Government of Luxembourg had taken the necessary steps with a view to its ratification.

62. In conclusion, he pointed out that although 14 of the 15 States members of the European Union were parties to the Convention, the agenda of the European Year against Racism made no mention of the Convention. He expressed

the hope that the Government of Luxembourg, which would be President of the European Union during the second half of 1997, would take the initiative of stressing the importance of implementing the Convention in the context of the European Union.

63. Mr. VALENCIA RODRIGUEZ, referring to paragraph 5 of the report, said he would like to know exactly what constituted the policy of integration implemented in Luxembourg in respect of the foreign population and whether it tended to efface the specific characteristics of foreigners. He would also appreciate details of the means used to combat clandestine immigration. He asked whether the racist or anti-Semitic demonstrations or incidents of 1994 (paras. 12 and 13 of the report) had been followed by decisions of a judicial nature.

64. With reference to paragraph 25 of the report, he would like to know why the Convention could not be invoked directly in Luxembourg's courts. He also requested clarification of the scope of the provisions mentioned in paragraph 28 of the report. Referring to paragraphs 31 and 32, he thought that the law should provide for the dissolution of all racist associations. With reference to paragraphs 97 to 100, he was quite satisfied with the measures taken regarding police training. He simply wished to know what the results had been, particularly in relations between the police and aliens.

65. Mr. DIACONU congratulated the Luxembourg authorities on the legislative and practical measures they had adopted to prevent discrimination. As for the implementation of article 4 of the Convention, he thought that, like other countries, Luxembourg should make provision in its legislation for an official ban on racist organizations. With reference to the policy of integration, it was his understanding that Luxembourg's policy was aimed at assimilating aliens while respecting their cultural differences. He asked, for example, whether the many Portuguese who, according to his information, had immigrated in the 1970s, were now citizens of Luxembourg and, in any case, what was done to ensure that aliens or Luxembourg citizens of foreign origin could keep their culture of origin. Lastly, he referred to a problem which would arise increasingly over the next few years, namely, the effects of European citizenship. The member countries of the European Union should reflect on means of achieving a fair balance in their dealings with European and other citizens.

66. Mr. FERRERO COSTA, noting from his perusal of paragraph 16 of the report, that extreme right movements which distributed xenophobic propaganda existed in Luxembourg, asked whether their activity was punishable under article 455 of the Penal Code. If that were not the case, the Committee's 1994 recommendation that Luxembourg should take measures to implement all the provisions of article 4 of the Convention and declare illegal organizations which incited to racial discrimination would not have been fully complied with. Like another member of the Committee, he would like further information about the facts referred to in paragraphs 17 and 18 of the report. He detected a contradiction between paragraph 25 of the report according to which an individual remedy brought before a Luxembourg court could not be based exclusively on the Convention and paragraphs 82 and 83 of the core document

under which international instruments could apply directly in domestic law. Generally speaking, he would like to know how the international Conventions could be invoked in Luxembourg courts.

67. He would also appreciate details of the implementation of the Integration of Aliens Act of 27 July 1993. With regard to paragraph 36 of the report, which referred to charges based on "unlawful discrimination", he would like to know whether lawful discrimination existed. Lastly, while welcoming the fact that Luxembourg had established an ad hoc Standing Committee against discrimination under article 14, paragraph 2 of the Convention, he would appreciate clarification of the position of that body in relation to the courts. In general, he wished to thank the delegation of Luxembourg for the excellent dialogue it had conducted with the Committee.

68. The CHAIRMAN invited the delegation of Luxembourg to answer the questions put by the members of the Committee at the next meeting.

The meeting rose at 1 p.m.